

## **MINUTES**

### **PROPERTY AND RIGHT-OF-WAY COMMITTEE MEETING THURSDAY, JULY 21, 2005 10:00 A.M. CITY HALL 8<sup>TH</sup> FLOOR – COMMISSION CONFERENCE ROOM**

#### **Members Present:**

Tony Irvine, City Surveyor, Acting Chairman  
Peter R. Partington, City Engineer (left 10:50 a.m.)  
A. Karim Rahmankhah, Engineering Design Manager, substituting for Peter Partington  
Maurice Murray, Code Inspections Supervisor, substituting for Jimmy Koeth  
MaryAnn Slough, Recreations Program Coordinator, substituting for Kathy Connor  
John McDowell, Municipal Operations Supervisor, substituting for Tom Terrell  
Julie Leonard, Assistant Utilities Services Director

#### **Staff Present:**

Victor Volpi, Senior Real Estate Officer  
Ed Udvardy, Manager of General Services  
Tim Welch, Engineering Design Manager  
Judy Johnson, Administrative Assistant I  
Fernando Blanco, Acting Airport Engineer  
Eileen Furedi, Clerk II  
Rafeela Persaud, Word Processing Secretary

#### **Guests Present:**

Ellen Patterson  
Justen Shiff  
Ed Kaplan  
Daniel Robinson  
Bill Schnabel  
Harold Bedoya  
John Divine  
Greg Celentano  
Ron Mastriana  
Tom Vogel

Tony Irvine called the meeting at 10:13 A.M. and stated that this is a Committee with the responsibility of advising the City Manager and City Commission on matters connected with City property.

#### **ITEM ONE:                    APPROVAL OF JUNE 16, 2005 MINUTES**

**MOTION BY PETER PARTINGTON TO APPROVE MINUTES.    SECONDED BY MARYANN SLOUGH. MOTION PASSED UNANIMOUSLY.**

**ITEM TWO:**                    **EASEMENT VACATION AND DEDICATION, RIO GRANDE AT ISLE OF VENICE**

Address or General Location: 91-103 Isle of Venice

Victor Volpi introduced item stating that Paul Abbott, owner of Rio Grande at Isle of Venice LLC, would like a positive recommendation to vacate an existing 6-foot drainage easement as shown the exhibit (Exhibit A) for the purpose of constructing a larger unified development. He said they intend to relocate the utilities in the easement to a 10-foot dedication along the southern property line of the new development. Victor Volpi introduced Justen Shiff, representative for the applicant.

Mr. Shiff stated he was engaged as one of the architects on the project and his clients owned the properties at 91 – 103 Isle of Venice, off Las Olas Boulevard. Mr. Shiff said prior to the survey, the site was laid out and the concept of the development was to have three multi-family buildings of three units each, and upon receiving the survey, it was noticed there was an existing 6-foot drainage easement on the property. Mr. Shiff said that they met with Tim Welch, Engineering Design Manager, whose recommendation was to relocate the easement to the south and asked for a 10-foot easement instead of a 6-foot easement, in which they agreed.

**MOTION BY JOHN MCDOWELL TO APPROVE. SECONDED BY JULIE LEONARD.**

Peter Partington asked if all utilities would be relocated at the applicant's expense. Mr. Shiff said yes. Julie Leonard asked about the storm drainage. Tony Irvine asked about the surface drainage pattern and the valley gutter on the side of Isle of Venice. Mr. Shiff said Tim Welch's recommendation was to move the easement further to the south as opposed to 20 feet to the north. Mr. Shiff said the site would be regraded and re-engineered, and it would be in accordance to City's specifications and under Tim Welch's guidance.

Discussion followed as to the water from the gutter to the catch basin, Tim Welch's involvement and recommendations, locations of the other storm drains within the area, regrading and reconstruction of the roadway in order to carry the water to the next low point.

**MOTION AMENDED BY JOHN MCDOWELL TO APPROVE AS REQUESTED, WITH A CONDITION THAT THE ADJOINING ROADWAY BE REGRADED TO ENSURE THAT THE LOW POINT FALLS AT THE SOUTH END. SECONDED BY JULIE LEONARD.**

**MOTION PASSED UNANIMOUSLY.**

Peter Partington left at 10:50 a.m, replaced by A. Karim Rahmankhah, Engineering Design Manager

**ITEM THREE:**                    **VACATION OF RIGHT-OF-WAY, SW 37 AVENUE**

Address or General Location: SW 37 Avenue, from SW 12 Court (north) to the canal

Victor Volpi introduced item stating that Edward Kaplan would like a positive recommendation to vacate SW 37 Avenue, from SW 12 Court north to the canal. He stated Mr. Kaplan has plans to improve his property with a 4-story, 27,800 square foot affordable housing building, pool, and parking lot as shown on the exhibit (Exhibit B) using the right-of-way. Victor Volpi introduced Edward Kaplan.

Mr. Kaplan stated he owns the property to the east side. Tony Irvine asked if 37<sup>th</sup> Avenue was constructed at present. Mr. Kaplan said no. Tony Irvine said the survey described it as a 10-foot ditch and was concerned about the accessibility to the ditch. Mr. Kaplan said access would be from the north side. Tony Irvine verified that the vacation would be a portion of 37<sup>th</sup> Avenue, south of the canal, down to 12<sup>th</sup> Court. Mr. Kaplan said yes. Julie Leonard confirmed that it was right-of-way. Tony Irvine said that Melrose Park was lately annexed and the west half of Melrose Park was in Broward County service area and would like to know about the utilities north of 37<sup>th</sup> Avenue. Tony Irvine said that any redevelopment of the site would affect WaterWorks 2011 access points. He said the applicant should obtain a signed-off letter from Broward County Engineering Division regarding the vacation due to Broward County utilities serviced area.

**MOTION BY KARIM RAHMANKHAH TO APPROVE THE VACATION, BASED ON INFORMATION FROM BROWARD COUNTY, FRANCHISE UTILITIES, AND GOING THROUGH THE PROPER CHANNELS. SECONDED BY TONY IRVINE .**

Tony Irvine said if there was an easement, it would affect the project.

**MOTION PASSED UNANIMOUSLY.**

**ITEM FOUR: VACATION AND RELOCATION OF EASEMENTS, FORT LAUDERDALE INDUSTRIAL AIR PARK**

Address or General Location: south side of 1200 NW 62 Street and 1300 NW 62 Street

Victor Volpi introduced item stating that Cypress Creek Florida LLC would like a positive recommendation to vacate two easements on City of Fort Lauderdale's Executive Airport property. He said that these easements are on an existing storm sewer system and there are runway lights on/in this parcel. He stated that the elimination of these easements will allow Cypress Creek Florida LLC to expand the existing hangar. Victor Volpi introduced Ron Mastriana.

Mr. Mastriana said that this was an old easement that was never used and there was no desire to use the easement. Mr. Mastriana said the owner wanted to expand the hangar and the plans have been approved by all utility companies, the Airport Engineer and the Airport Director. Mr. Mastriana introduced Greg Celentano. Mr. Celentano said the airport lights were outside the easement. Mr. Celentano said there were old site plans that showed a 20-inch water main in the area but there were no record drawings/as-builts that could be located by the applicants or the City Utilities Department. Julie Leonard confirmed that there was no written letter from the City Utilities Department stating there was no water line in the area and said she would check into it. Tony Irvine asked Fernando Blanco about locations on the water line. Fernando Blanco said there was an east/west water line that serviced the well fields and were taken out several years ago and it could be an abandoned line. Tony Irvine asked Fernando Blanco about the airport lights. Fernando Blanco explained the taxiway lights were placed by the previous owners, which now belong to the applicants and he had no problems with removing the lights.

**MOTION BY JULIE LEONARD TO APPROVE THE VACATION OF THE UTILITY EASEMENT SUBJECT TO CONFIRMATION IN WRITING BY THE UTILITIES DIVISION THAT THERE ARE NO UTILITIES AND IF ANY, WOULD MAKE OTHER ARRANGEMENTS FOR RELOCATION.**

**SECONDED BY MARYANN SLOUGH.**

Julie Leonard stated that she would confirm if the water line was abandoned or not, and requested that the applicant not place any structures over the easement.

**MOTION PASSED UNANIMOUSLY.**

Maurice Murray arrived at 11:00 a.m.

**ITEM FIVE:                    SURPLUS PROPERTY, PHASE II, PINE SHADOWS**

Address or General Location: 805 NW 13 Street

Victor Volpi introduced item that at its meeting of September 16, 2004, the Property and Right-of-Way Committee recommended that the City surplus Phase III of the Pine Shadows common area escheated from Broward County to the City. He stated that now we have Ms. Ellen Patterson, Agent for Title Company, asking for a positive recommendation to surplus Phase II of Pine Shadows. Victor Volpi introduced Ellen Patterson, Rothman and Tobin.

Victor Volpi asked if there was a Phase I. Ms. Patterson said she was not sure. Victor Volpi said he would recommend the motion to include Phase I, just in case it shows up at a later time.

Ms. Patterson said that the developer was suppose to deed over Phase II, as with Phase III, to the homeowners associations which was dissolved and the common areas were then escheated to the City when taxes were not paid. Tony Irvine asked how many phases are there in the condominium. Ms. Patterson said there were Phase II and Phase III, and could not locate Phase I. Tony Irvine explained that each phase has a separate declaration of condominium and therefore could not be combined, and the applicant would have to come back if there was a Phase I. Victor Volpi asked Ms. Patterson if she had any utility individuals go to the site to locate utilities in the common elements. Ms. Patterson said no. He said there might be a sanitary sewer which would need to be located and/or abandoned. Tony Irvine said in the declaration of condominium, easements could have been created in the common elements.

Discussion followed as to the declaration of condominium for Phase II which consisted of lots 9, 10, 11, 12, 13, 14 15, Block 72, an alley that was never vacated in the rear of the lots, reserving an easement to cover all existing utilities in the rear of the lots, and Utilities Department obtaining a survey showing the locations of easements, if any.

Tony Irvine referred Ms. Patterson to the Engineering Department (Arlen Erdman) and recommended contacting the City Attorney's office for assistance in coordinating her efforts.

**MOTION BY KARIM RAHMANKHAH TO DEFER. SECONDED BY TONY IRVINE.**

**MOTION PASSED UNANIMOUSLY.**

**ITEM SIX:                   SURPLUS PROPERTY, THE COMPOST PLANT, DANIA**

Address or General Location: 4030 State Road 7, Dania

Victor Volpi introduced item stating The City's Engineering Department no longer has a use for the property located at 4030 State Road 7, Dania and would like a positive recommendation to sell the property to the highest bidder. Victor Volpi introduced Ed Udvardy, Manager of General Services.

Ed Udvardy stated the City had the Compost plant under construction starting in 1988 which lasted for approximately 2 years after a series of violations from Broward County. He said there were a series of discussions with Environmental Protection Agency (EPA) to resolve the grant issues, which was originally funded with EPA funds. He said that at one point, EPA had requested a refund of \$14 million dollars. He said that during the 1990s, the City had worked through resolutions to reduce the amount and finally EPA decided to deal with the real property and the City held on to the 28-acre property. He said for the last few years, the City was deciding to use the site for City operations because of the pending safety bond issue. He said Parks and Recreation, Public Works, and Sanitation Departments had looked at the property as a potential operational site but after the City investigated the future of this plant, it was determined that local vegetation would make the plant's operation cost prohibitive. He stated that there were also notices of violations due to odors from the plant. He said the City was supposed to dispose of the property two years ago. He said the City had a meeting about one and a half years ago and asked the EPA for one more final extension and at that point, EPA had given the City until March 2006 to dispose of the property. He said that City current Administration had decided not to purchase the site with Utility money. He explained that the EPA did not want their money back for the construction of the plant; they only want their fair share of the money for the purchase of this property. Ed Udvardy said another concern regarding the plant was that it is located in Dania, therefore putting it under another City's jurisdiction. He explained the property is zoned heavy industrial and the City has received many purchase inquiries for this property.

Ed Udvardy said he would like the PROW Committee to give a positive recommendation to surplus the property. He said an appraisal was received in 1988 for \$4.9 million. He stated the Real Estate office obtained two appraisals two years ago ranging from \$6.1 million and \$4 million dollars. He said update appraisals were needed, in which the minimum bid would be set by the City Commission. He said that 70% of the purchase price would be returned to EPA, and the remaining portion would be returned to Region, in which the City would get approximately 18% from the remaining 30%.

Ed Udvardy explained that the project was originally constructed in conjunction with Lohmeyer. He said the City received an innovative alternative grant because of a new process; a process to truck sludge from Lohmeyer to the Compost Plant and use the City's yard waste products (from pick-up routes) and combine them at this plant in order to make a compost/sludge product.

**MOTION BY MARYANN SLOUGH TO APPROVE THE PROPERTY BEING SURPLUSED.  
SECONDED BY JOHN MCDOWELL.**

**Yeas:** Tony Irvine, Karim Rahmankhah, MaryAnn Slough, Maurice Murray, John McDowell  
**Abstain:** Julie Leonard

**MOTION PASSED.**

**ITEM SEVEN:           MODIFICATION OF EXISTING REVOCABLE LICENSE AGREEMENT**

Address or General Location: north side of North New River Drive and Andrews Avenue

Victor Volpi introduced item stating in September 2000, The One River Plaza Partnership applied for and was approved to enter into a license agreement with the City to allow them to place tables, chairs, umbrellas, and equipment in Riverwalk. He said these improvements must be approved as they are constructed and any plans or changes needed to be submitted to the City Manager and City Engineer. He stated One River Plaza is entirely responsible for repairs and maintenance of these improvements and this agreement does not specify canopies, which One River Plaza would like to have for weather protection. He stated they are asking for a positive recommendation to modify the agreement as necessary, to include canopies as described in the exhibit (Exhibit G). Victor Volpi introduced Daniel Robinson and Tom Vogel.

Mr. Robinson said they would like to modify the agreement to include canopy up to the landscaping buffer, excluding the tree areas, as shown on the engineering sketch. Mr. Vogel said that as part of the license agreement, it was Riverwalk and City's intention to place the awning. Victor Volpi read the original license agreement, which was not specific about canopies. Tony Irvine explained that some of the areas of Riverwalk that have canopies have an exclusive domain appearance of the businesses. He asked if Riverwalk's intent was to make the area their exclusive domain and how the public would know that it is not. Mr. Vogel explained there were walkways going up to the canopied areas and the awnings are for protection. Mr. Vogel said the public was welcome to walk through the patio in the Riverwalk area.

Discussion followed as to the areas open to the public and appearing exclusive to the businesses, and the canopy being off the second level, giving protection from the elements.

**MOTION BY MAURICE MURRAY TO APPROVE. SECONDED BY MARYANN SLOUGH.**

Maurice Murray said that the canopy would be 10-feet off the ground, protruding 33½ feet out, the area should meet with ADA requirements for accessibility, and there should be 5 feet clearance between the tables.

Discussion followed as to intimidation of the public with the implied impression that the areas are private, making the tenants, and staff of tenants, aware of the areas being public property, placement of signs, the awnings purpose of providing protection to the public from elements, any writings on the awnings, and the difference in ownership with Max's Grille under the Brickell License Agreement, which holds a pedestrian easement.

Mr. Vogel said the license agreement for Riverwalk was drawn off the Brickell License Agreement.

Tony Irvine said there are questions regarding the title status on the corridors of Max's Grille and Mezzanote Restaurants, and if a president was set in the Riverwalk development regarding the canopies. Maurice Murray suggested a table/chair layout and on the exterior areas, something to encourage the public to sit and relax, like a park-like bench. Tony Irvine suggested input from Sharon Miller, Assistant City Attorney regarding title/legal on Max's Grille and Mezzanote.

**MOTION AMENDED BY MAURICE MURRAY TO DEFER SUBJECT TO VICTOR VOLPI'S RESEARCH REGARDING TITLE/LEGAL, AND THE APPLICANT BRINGING IN A TABLE/CHAIRS LAYOUT PLAN. SECONDED BY MARYANN SLOUGH.**

**MOTION PASSED UNANIMOUSLY.**

**ITEM EIGHT:            LIGHTING IN RIGHT-OF-WAY, WEST LAS OLAS BOULEVARD**

Address or General Location: West Las Olas Boulevard, just east of SW 7 Avenue

Victor Volpi introduced item stating the Altman Group would like a positive recommendation to install and maintain lighting in the right-of-way of West Las Olas Boulevard, just east of SW 7 Avenue, at the Symphony Towers. He said if approved, there would be four double-head fixtures to illuminate the sidewalk and public parking. Victor Volpi introduced Harold Bedoga and Bill Schnabel from the Altman Group.

Mr. Bedoga stated the lights were approved in the early approval process by DRC, sometime in 1998. Mr. Bedoga pointed out the lighting in question and said that in addition to a public sidewalk, there were 5 public metered parking spaces. Mr. Bedoga pointed out the lighting in question and said that in addition to concrete pole at the western end and felt installation of lighting in the right-of-way would provide better illumination in the area, as a route to the Riverwalk from Sailboat Bend. Mr. Bedoga said it was part of a streetscape plan to improve the area. Tony Irvine asked about the lights fitting in with the current lighting scheme and style in the Riverwalk area. Mr. Schnabel explained the lights were lower, pathway lighting. Mr. Schnabel said the landscape architects made sure that they did blend in with the Riverwalk area. Tony Irvine asked about ownership and maintenance. Mr. Schnabel said that they would own and maintain the lights and explained the procedures of shutting down the power in case of an emergency.

Discussion followed as to wiring in the rights-of-way not owned or operated by the City which should be with a revocable license agreement.

**MOTION BY MAURICE MURRAY TO APPROVE AS REQUESTED. SECONDED BY JOHN MCDOWELL.**

Tony Irvine complimented the applicant on a job well done.

**MOTION PASSED UNANIMOUSLY.**

**ITEM NINE:            SURPLUS PROPERTY, NE 11 STREET AND NE 1 AVENUE**

Address or General Location: 1107 NE 1 Avenue

Victor Volpi introduced item stating that Broward County has once again given the City a parcel of land that the City has no use for. He said it was a vacant strip of grass at the corner of NE 11 Street and NE 1 Avenue and the intent of the Real Estate Office is to sell or donate this parcel to the property owner that abuts this parcel and join it with their property.

Victor Volpi explained that the Church (St. Andrews) did not have the money to purchase the property and the City would probably have to donate it to the Church. He stated the City's Ordinance and policy requires him to have property appraised and the cost would be an estimated \$500 to \$1,000. He said the Real Estate Office may have to require a minimum bid of whatever the cost of appraisal is order to compensate the cost of appraisal. He explained that the Mayor has been very adamant in obtaining fair market and buildable market values for parcels and did not think anyone would really bid on the strip. Victor Volpi said that the City could donate to a non-profit organization and did not see any usage for other than the property owner. Tony Irvine suggested that Broward County School Board may want the site for off street parking. He explained that cars were parking on the grass area before the temporary road closure.

**MOTION BY KARIM RAHMANKHAH TO DEFER UNTIL CONVERSATION/INTEREST WITH BROWARD COUNTY SCHOOL FOR OFF-SITE PARKING, AND THE CITY'S PARKS AND RECREATION AND PARKING DIVISION. SECONDED BY TONY IRVINE.**

MaryAnn Slough stated she would discuss this item with Phil Thornburg.

**MOTION PASSED UNANIMOUSLY.**

**ITEM TEN: DEDICATION OF EASEMENT RIGHTS**

Address or General Location: west portion of Riverland Park (950 SW 27 Avenue

Victor Volpi introduced item stating the City of Fort Lauderdale Architectural Office would like a positive recommendation to grant Broward County a 6-feet right-of-way easement across the entire western portion of Riverland Park for the purpose of complying with the Broward County Traffic Ways plan. Victor Volpi introduced Frank Snedaker, Acting Chief Architect.

Frank Snedaker stated that the large City park is under development and during the DRC process, the easement was missed and was discovered when the Contractor applied for the driveway permits, which was near the completion of the project. He said the County stated that they needed additional right-of-way for the traffic ways. He said it was by County ordinance and the County had held up the engineering permits. Frank Snedaker stated he made a commitment to get the dedication if the permits were issued.

Discussion followed regarding the intersections which was never addressed by Broward County, no permanent construction within the clipped corners, and the basis of the geometry as far as street classification.

**MOTION BY JULIE LEONARD TO APPROVE IN CONCEPT, SUBJECT TO THE GEOMETRY BEING WORKED OUT WITH TIM WELCH. SECONDED BY JOHN MCDOWELL.**

**MOTION PASSED**

Meeting adjourned at 11:58 p.m.